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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,664	09/05/2003	William J. Legg	OKC00212	8296
7590	01/10/2006			
Fellers, Snider, Blankenship, Bailey & Tippens Bank One Tower Suite 1700 100 North Broadway Oklahoma City, OK 73102-8820			EXAMINER TOMPKINS, ALISSA JILL	
			ART UNIT 3765	PAPER NUMBER

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,664	LEGG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alissa J. Tompkins	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-13, 15-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/5/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/5/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-13, 15-20, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-13, 15-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronenbeger (US 2004/0210982) in view of Pursely (U.S. 6,889,828). The Kronenbeger patent application publication discloses a headwear comprising a headwear comprising a crown 70, Fig. 1 adapted to substantially conform to a wearer's head, the crown comprising a substantially planar panel having opposing interior and exterior surfaces and an aperture 42, 44, Fig. 1 and 42', 44', Fig. 2 which extends through the panel from the interior surface to the exterior surface, the aperture operably configured to secure a longitudinally extending article so that, when the article is inserted through the aperture, a proximal end of the article is contactingly supported adjacent to the exterior surface of the panel and a medial portion of the article is

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supported so as to extend adjacent to and substantially parallel with the interior surface of the panel. With regard to claim 9 note that Kronenbeger discloses a head embracing portion 24, Fig. 1 around the entry to opening 16. This head-embracing portion, which is a headband, is structurally adapted to contactingly support the medial portion and distal end of the tee article in a gap between the interior surface of the panel and the headband provided that the apertures 42, 44 are oriented perpendicular to the orientation shown in Fig. 1. In this regard, note that Kronenbeger discloses, in paragraph (0054), that the invention contemplates that "other orientations of the openings 42, 44 could be used...virtually anywhere and in virtually any orientation, on the crown 12". One of these orientations is perpendicular to the orientation shown in Fig. 1. As noted above, in this orientation the headband 24 is structurally adapted to contactingly support the medial portion and distal end of the tee article in a gap between the interior surface of the panel and the headband. However, Kronenbeger is missing a flexible member that is affixed to the interior surface of the panel forming a closed pouch supporting the medial portion of the article. Pursely discloses a pocket caddy having a flexible member as seen in Figure 4 that supports the golf tee, which extends between a first and second aperture 32, Figure 3. The flexible member forms a pouch, which supports the golf tee on a side opposite the inner surface. Pursely also shows a golf tee 33, having a proximal end with a golf ball support surface to contactingly support a golf ball, a medial portion and a tapered distal end. Figure 4 shows various layers that are affixed to the interior surface. The layers can be made of natural or artificial leather cloth, canvas, vinyl or plastic, Column 4, 38-44. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pursely to modify Kronenbeger in order to provide an apparel item that can be used to store golf accessories, Column 1, 50-54.

Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronenbeger and Pursely in view of Antonious (U.S. 3,272,412). Kronenbeger and Pursely disclose the invention substantially as applied in claims 1-9, 11-13, 15-20 and 22 above. However, they are missing a layer of protective material disposed at the base of a flap portion that reduces the wear of the flap. Antonious shows a packet for carrying golf tees that comprises a flap portion, wherein a layer of protective material is disposed at the base of the flap, Figure 5, 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Antonious to modify Kronenbeger and Pursely in order to provide a headwear item capable of holding golf tees that has a layer of protective material that will keep the tee from extending down too far and irritating the flap.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

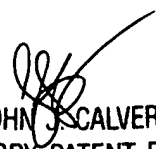
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa J. Tompkins whose telephone number is 571-272- 3425. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alissa Tompkins  
Patent Examiner  
Art Unit 3765  
December 30, 2005

AJT

  
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